

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Midland Funding, LLC,)	CASE NO.: 3:08-cv-01434
)	
Plaintiff/Counterclaim)	HON. DAVID A. KATZ
Defendant)	
)	
vs.)	<u>And Related Cases:</u>
)	
Andrea Brent,)	Case No. 3:11-cv-0096, N.D. Ohio
)	Case No. 3:10-cv-0091, N.D. Ohio
Defendant/Counterclaim)	
Plaintiff)	DECLARATION OF JONATHAN
)	P. DYAL
vs.)	
)	
Midland Credit Management, Inc.,)	
)	
Counterclaim)	
Defendant.)	


DECLARATION OF JONATHAN P. DYAL

Jonathan P. Dyal, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an attorney duly licensed to practice law in the State of Mississippi, and am a partner in the law firm of Balch & Bingham LLP. I have personal knowledge of the facts stated below, and would testify to them under oath if called upon to do so.

2. I have been counsel of record for Midland Funding LLC (and related entities) in a number of matters in Mississippi federal courts and appeared pro hac vice in other states throughout the Southeast. On February 22, 2011, I received a telephone call from Matt Erasquin, who I have resolved several cases with in the past, and who I understand is counsel for Ann Rubio in *Rubio v. Midland Funding LLC*, currently pending in the Eastern District of Virginia. On the call, Mr. Erasquin informed me that he and the other *Rubio* counsel had sent out approximately 8500 letters soliciting clients to sue Midland, and that he would soon be filing 1200 lawsuits against Midland, all of which would assert claims based on allegedly false affidavits filed in debt collection lawsuits. He asked if I would accept service of the complaints on behalf of Midland. Mr. Erasquin also stated that the plaintiffs in these lawsuits would be opting out of the nationwide settlement reached in *Midland Funding LLC v. Brent*.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of April 1, 2011, in Gulfport, Mississippi.


Jonathan P. Dyal